

(3) **AVIATION FUEL.**—The term "aviation fuel" has the meaning given such term by section 4093 of such Code.

(4) **SECRETARY.**—The term "Secretary" means the Secretary of the Treasury or his delegate.

(d) **EXCEPTION FOR EXEMPT USES.**—The tax imposed by subsection (a) shall not apply to gasoline, diesel fuel, or aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 or 4091 of such Code is allowable for such use.

(e) **EXCEPTION FOR FUEL HELD IN VEHICLE TANK.**—No tax shall be imposed by subsection (a) on gasoline or diesel fuel held in the tank of a motor vehicle or motorboat.

(f) **EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.**—

(1) **IN GENERAL.**—No tax shall be imposed by subsection (a)—

(A) on gasoline held on January 1, 1997, by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or aviation fuel held on such date by any person if the aggregate amount of diesel fuel or aviation fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) **EXEMPT FUEL.**—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) **CONTROLLED GROUPS.**—For purposes of this subsection—

(A) **CORPORATIONS.**—

(i) **IN GENERAL.**—All persons treated as a controlled group shall be treated as 1 person.

(ii) **CONTROLLED GROUP.**—The term "controlled group" has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(B) **NONINCORPORATED PERSONS UNDER COMMON CONTROL.**—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) **OTHER LAW APPLICABLE.**—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code in the case of gasoline and diesel fuel and section 4091 of such Code in the case of aviation fuel shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081 or 4091.

## SEC. 5. GAS TAX REDUCTION MUST BE PASSED THROUGH TO CONSUMERS.

(a) **GAS TAX REDUCTION ONLY TO BENEFIT CONSUMERS.**—It shall be unlawful for any person selling or importing any taxable fuel to fail to fully pass on (through a reduction in the price that would otherwise be charged) the reduction in tax on such fuel under this Act.

(b) **RESPONSIBILITIES OF PERSONS LIABLE FOR TAX.**—

(1) **IN GENERAL.**—Every person liable for the payment of Federal excise taxes on any taxable fuel—

(A) shall fully pass on, as required by subsection (a), the reduction in tax on such fuel under this Act, and

(B) if the taxable event is not a sale to the ultimate consumer, shall take such steps as

may be reasonably necessary to ensure that such reduction is fully passed on, as required by subsection (a), to subsequent purchasers of the taxable fuel.

(2) **ENFORCEMENT.**—Any person who fails to meet the requirements of paragraph (1) with respect to any fuel shall be liable for Federal excise taxes on such fuel as if this Act had not been enacted.

(3) **WAIVER.**—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the additional taxes imposed by paragraph (2) to the extent that payment of such taxes would be excessive relative to the failure involved.

(c) **DEFINITIONS.**—For purposes of this section—

(1) **TAXABLE FUEL.**—The term "taxable fuel" has the meaning given such term by section 4083(a) of such Code.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Treasury or his delegate.

(d) **GAO STUDY.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of the repeal of the 4.3-cent increase in the fuel tax imposed by the Omnibus Budget Reconciliation Act of 1993 to determine whether there has been a passthrough of such repeal.

(2) **REPORT.**—Not later than January 31, 1997, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under paragraph (1). An interim report on such results shall be submitted to such committees not later than November 1, 1996.

## SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR EXPENSES OF ADMINISTRATION OF THE DEPARTMENT OF ENERGY.

Section 660 of the Department of Energy Organization Act (42 U.S.C. 7270) is amended—

(1) by inserting "(a) **IN GENERAL.**—" before "APPROPRIATIONS"; and

(2) by adding at the end the following:  
 "(b) **FISCAL YEARS 1997 THROUGH 2002.**—There are authorized to be appropriated for salaries and expenses of the Department of Energy for departmental administration and other activities in carrying out the purposes of this Act—

"(1) \$104,000,000 for fiscal year 1997;

"(2) \$104,000,000 for fiscal year 1998;

"(3) \$100,000,000 for fiscal year 1999;

"(4) \$90,000,000 for fiscal year 2000;

"(5) \$90,000,000 for fiscal year 2001; and

"(6) \$90,000,000 for fiscal year 2002.".

## SEC. 7. SPECTRUM AUCTIONS.

(a) **COMMISSION OBLIGATION TO MAKE ADDITIONAL SPECTRUM AVAILABLE BY AUCTION.**—

(1) **IN GENERAL.**—The Federal Communications Commission shall complete all actions necessary to permit the assignment, by March 31, 1998, by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) of licenses for the use of bands of frequencies that—

(A) individually span not less than 12.5 megahertz, unless a combination of smaller bands can, notwithstanding the provisions of paragraph (7) of such section, reasonably be expected to produce greater receipts;

(B) in the aggregate span not less than 25 megahertz;

(C) are located below 3 gigahertz; and

(D) have not, as of the date of enactment of this Act—

(i) been assigned or designated by Commission regulation for assignment pursuant to such section;

(ii) been identified by the Secretary of Commerce pursuant to section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923); or

(iii) reserved for Federal Government use pursuant to section 305 of the Communications Act of 1934 (47 U.S.C. 305).

(2) **CRITERIA FOR REASSIGNMENT.**—In making available bands of frequencies for competitive bidding pursuant to paragraph (1), the Commission shall—

(A) seek to promote the most efficient use of the spectrum;

(B) take into account the cost to incumbent licensees of relocating existing uses to other bands of frequencies or other means of communication;

(C) take into account the needs of public safety radio services;

(D) comply with the requirements of international agreements concerning spectrum allocations; and

(E) take into account the costs to satellite service providers that could result from multiple auctions of like spectrum internationally for global satellite systems.

(b) **FEDERAL COMMUNICATIONS COMMISSION MAY NOT TREAT THIS SECTION AS CONGRESSIONAL ACTION FOR CERTAIN PURPOSES.**—The Federal Communications Commission may not treat the enactment of this Act or the inclusion of this section in this Act as an expression of the intent of Congress with respect to the award of initial licenses of construction permits for Advanced Television Services, as described by the Commission in its letter of February 1, 1996, to the Chairman of the Senate Committee on Commerce, Science, and Transportation.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. KOBLE, announced that the nays had it.

Mr. RANGEL objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 183  
 Nays ..... 225

¶61.20

[Roll No. 181]

YEAS—183

Abercrombie	Costello	Gephardt
Ackerman	Coyne	Gibbons
Andrews	Cramer	Gonzalez
Baldacci	Cummings	Gordon
Barcia	Danner	Green (TX)
Barrett (WI)	de la Garza	Hall (OH)
Becerra	DeFazio	Hamilton
Beilenson	DeLauro	Hastings (FL)
Bentsen	Dellums	Hefner
Berman	Deutsch	Hilliard
Bevill	Dicks	Hinchey
Bishop	Dingell	Holden
Bonior	Dixon	Hoyer
Borski	Doggett	Jackson (IL)
Boucher	Dooley	Jackson-Lee
Browder	Doyle	(TX)
Brown (CA)	Edwards	Jacobs
Brown (FL)	Engel	Jefferson
Brown (OH)	Eshoo	Johnson (SD)
Brownback	Evans	Johnson, E. B.
Bryant (TX)	Farr	Johnston
Cardin	Fattah	Kanjorski
Chapman	Fazio	Kaptur
Clay	Fields (LA)	Kennedy (MA)
Clayton	Filner	Kennedy (RI)
Clement	Flake	Kennelly
Clyburn	Foglietta	Kildee
Coleman	Ford	Klecza
Collins (IL)	Frank (MA)	LaFalce
Collins (MI)	Frost	Lantos
Condit	Furse	Levin
Conyers	Gejdenson	Lewis (GA)

Lincoln  
Lipinski  
Lofgren  
Lowey  
Luther  
Manton  
Markey  
Martinez  
Mascara  
Matsui  
McCarthy  
McHale  
McKinney  
Meehan  
Meek  
Menendez  
Millender-  
McDonald  
Miller (CA)  
Minge  
Mink  
Moakley  
Montgomery  
Moran  
Murtha  
Nadler  
Neal  
Obey  
Olver  
Orton

Owens  
Pallone  
Pastor  
Payne (NJ)  
Payne (VA)  
Pelosi  
Peterson (MN)  
Pickett  
Pomeroy  
Poshard  
Rahall  
Rangel  
Reed  
Richardson  
Rivers  
Roemer  
Rose  
Roybal-Allard  
Rush  
Sabo  
Sanders  
Sawyer  
Schroeder  
Schumer  
Scott  
Serrano  
Sisisky  
Skaggs  
Skelton  
Slaughter

Spratt  
Stark  
Stenholm  
Stokes  
Studds  
Stupak  
Tanner  
Taylor (MS)  
Tejeda  
Thompson  
Thornton  
Thurman  
Torricelli  
Towns  
Traficant  
Velazquez  
Vento  
Visclosky  
Volkmeyer  
Ward  
Waters  
Watt (NC)  
Waxman  
Williams  
Wilson  
Wise  
Woolsey  
Wynn  
Yates

## NAYS—225

Allard  
Archer  
Armey  
Bachus  
Baker (CA)  
Baker (LA)  
Ballenger  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bass  
Bateman  
Bereuter  
Bilbray  
Bilirakis  
Bliley  
Blute  
Boehlert  
Boehner  
Bonilla  
Bono  
Brewster  
Bryant (TN)  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Campbell  
Canady  
Castle  
Chabot  
Chambliss  
Chenoweth  
Christensen  
Chrysler  
Coble  
Collins (GA)  
Combest  
Cooley  
Cox  
Crane  
Crapo  
Creameans  
Cubin  
Cunningham  
Davis  
Deal  
DeLay  
Diaz-Balart  
Dickey  
Doolittle  
Dornan  
Dreier  
Duncan  
Dunn  
Ehlers  
Ehrlich  
Emerson  
English  
Ensign  
Everett  
Ewing  
Fawell  
Fields (TX)

Flanagan  
Foley  
Forbes  
Fowler  
Fox  
Franks (CT)  
Franks (NJ)  
Frelinghuysen  
Funderburk  
Ganske  
Gekas  
Geren  
Gilchrest  
Gillmor  
Gillman  
Graham  
Greene (UT)  
Greenwood  
Gundersen  
Gutknecht  
Hall (TX)  
Hancock  
Hansen  
Hastert  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Heineman  
Herger  
Hilleary  
Hobson  
Hoekstra  
Hoke  
Horn  
Hostettler  
Houghton  
Hunter  
Hutchinson  
Hyde  
Inglis  
Istook  
Johnson (CT)  
Johnson, Sam  
Jones  
Kasich  
Kelly  
Kim  
King  
Klug  
Knollenberg  
Kolbe  
LaHood  
Latham  
LaTourette  
Laughlin  
Lazio  
Leach  
Lewis (CA)  
Lewis (KY)  
Lightfoot  
Linder  
Livingston  
LoBiondo  
Longley

Manzullo  
Martini  
McCollum  
McCrery  
McDade  
McHugh  
McInnis  
McIntosh  
McKeon  
Metcalf  
Meyers  
Mica  
Miller (FL)  
Mollohan  
Moorhead  
Morella  
Myers  
Myrick  
Nethercutt  
Neumann  
Ney  
Norwood  
Nussle  
Oxley  
Packard  
Parker  
Paxon  
Petri  
Pombo  
Porter  
Portman  
Pryce  
Quillen  
Quinn  
Radanovich  
Ramstad  
Regula  
Riggs  
Roberts  
Rogers  
Ros-Lehtinen  
Roth  
Roukema  
Royce  
Salmon  
Sanford  
Saxton  
Scarborough  
Schaefer  
Schiff  
Barr  
Seastrand  
Sensenbrenner  
Shadegg  
Shaw  
Shays  
Shuster  
Skeen  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Solomon  
Souder  
Spence  
Stearns  
Stockman  
Stump  
Talent  
Tate

Tauzin  
Thomas  
Thornberry  
Tiahrt  
Torkildsen  
Upton  
Vucanovich

Walker  
Walsh  
Wamp  
Weldon (FL)  
Weldon (PA)  
Weller  
White

Whitfield  
Wicker  
Wolf  
Young (AK)  
Young (FL)  
Zeliff  
Zimmer

## NOT VOTING—25

Baesler  
Bunn  
Clinger  
Coburn  
Durbin  
Frissa  
Gallagher  
Gutierrez  
Harman

Kingston  
Klink  
Largent  
Lucas  
Maloney  
McDermott  
McNulty  
Molinari  
Oberstar

Ortiz  
Peterson (FL)  
Rohrabacher  
Smith (MI)  
Taylor (NC)  
Torres  
Watts (OK)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. KOBLE, announced that the yeas had it.

Mr. ARCHER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

Pending said vote,

## ¶61.21 ORDER OF BUSINESS—VOTE ON SUSPENSION

On motion of Mr. WALKER, by unanimous consent,

*Ordered,* That, notwithstanding the provisions of clause 5(b) of rule I, the Speaker be authorized to reduce to a minimum of 5 minutes the period of time for the vote on the unfinished business on the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 167) recognizing the tenth anniversary of the Chernobyl nuclear disaster, and supporting the closing of the Chernobyl nuclear power plant, which will immediately follow the vote on passage of H.R. 3415.

Thereupon,

The vote on passage of H.R. 3415 was taken by electronic device.

It was decided in the { Yeas ..... 301  
affirmative ..... Nays ..... 108

¶61.22 [Roll No. 182]  
YEAS—301

Abercrombie  
Ackerman  
Allard  
Andrews  
Archer  
Armey  
Bachus  
Baker (CA)  
Baker (LA)  
Baldacci  
Ballenger  
Barcia  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bass  
Bateman  
Bentsen  
Bereuter  
Bevill  
Bilbray  
Bilirakis  
Bishop  
Bliley  
Blute  
Boehlert  
Boehner  
Bonilla  
Bonior  
Bono

Boucher  
Brewster  
Browder  
Brownback  
Bryant (TN)  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Canady  
Castle  
Chabot  
Chambliss  
Chapman  
Chenoweth  
Doyle  
Christensen  
Chrysler  
Clement  
Coble  
Coleman  
Collins (GA)  
Combest  
Condit  
Cooley  
Cox  
Cramer  
Crane  
Crapo

Creameans  
Cubin  
Cummings  
Cunningham  
Danner  
Davis  
de la Garza  
Deal  
DeFazio  
DeLauro  
DeLay  
Deutsch  
Diaz-Balart  
Dickey  
Dooley  
Doolittle  
Dornan  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehrlich  
Emerson  
Engel  
English  
Ensign  
Eshoo  
Evans  
Everett  
Ewing

Farr  
Fawell  
Fazio  
Fields (LA)  
Fields (TX)  
Filner  
Flanagan  
Foley  
Forbes  
Fowler  
Fox  
Franks (CT)  
Franks (NJ)  
Frelinghuysen  
Frost  
Funderburk  
Furse  
Ganske  
Gejdenson  
Gekas  
Gephardt  
Geren  
Gilchrest  
Gillmor  
Gillman  
Gonzalez  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Green (TX)  
Greene (UT)  
Greenwood  
Gundersen  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hamilton  
Hancock  
Hansen  
Hastert  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hefner  
Heineman  
Herger  
Hilleary  
Hinchey  
Hobson  
Hoke  
Holden  
Horn  
Hostettler  
Hunter  
Hutchinson  
Hyde  
Inglis  
Istook  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (CT)  
Johnson (SD)  
Johnson, Sam  
Jones  
Kasich  
Kelly

Kildee  
Kim  
King  
Kleczka  
Knollenberg  
Kolbe  
LaFalce  
LaHood  
Latham  
LaTourette  
Laughlin  
Lazio  
Lewis (CA)  
Lewis (KY)  
Lightfoot  
Lincoln  
Linder  
Lipinski  
Livingston  
LoBiondo  
Lofgren  
Longley  
Lowey  
Manton  
Manzullo  
Martinez  
Martini  
Mascara  
McCollum  
McCrery  
McDade  
McHugh  
McInnis  
McIntosh  
McKeon  
McKinney  
Menendez  
Metcalf  
Meyers  
Mica  
Miller (FL)  
Mink  
Montgomery  
Moorhead  
Myers  
Myrick  
Nethercutt  
Ney  
Norwood  
Nussle  
Obey  
Olver  
Orton  
Oxley  
Packard  
Pallone  
Parker  
Pastor  
Paxon  
Payne (NJ)  
Peterson (MN)  
Petri  
Pombo  
Pomeroy  
Portman  
Poshard  
Pryce  
Quillen  
Quinn  
Radanovich

## NAYS—108

Barrett (WI)  
Becerra  
Beilenson  
Berman  
Borski  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Bryant (TX)  
Campbell  
Cardin  
Clay  
Clayton  
Clyburn  
Collins (IL)  
Collins (MI)  
Conyers  
Costello  
Coyne  
Dellums  
Dicks  
Dingell  
Dixon  
Doggett  
Ehlers  
Fattah  
Flake  
Foglietta

Ford  
Frank (MA)  
Gibbons  
Hastings (FL)  
Hilliard  
Hoekstra  
Houghton  
Hoyer  
Jackson (IL)  
Jacobs  
Johnson, E. B.  
Johnston  
Kanjorski  
Kaptur  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Klug  
Lantos  
Leach  
Levin  
Lewis (GA)  
Luther  
Markey  
Matsui  
McCarthy  
McHale  
Meehan

Meek  
Millender-  
McDonald  
Miller (CA)  
Minge  
Moakley  
Mollohan  
Moran  
Morella  
Murtha  
Nadler  
Neal  
Neumann  
Owens  
Payne (VA)  
Pelosi  
Pickett  
Porter  
Rahall  
Rangel  
Rivers  
Roybal-Allard  
Rush  
Sabo  
Sanford  
Sawyer  
Schroeder  
Scott